



JILL BILLINGS
STATE REPRESENTATIVE

Testimony in support of Assembly Bill 505
Veteran Court Transfer Bill

Assembly Committee on Veterans and Military Affairs
March 1, 2012

Good morning Chairman Spanbauer and members of the committee. I thank you for holding a public hearing on Assembly Bill 505.

Assembly Bill 505 relates to a specialized treatment court that we have utilized in La Crosse County since 2010. As research has shown, alternative treatment programs have been used as one way to reduce recidivism rates, reduce our prison population and decrease the financial burden on already tight budgets. In La Crosse County, as led by Circuit Judge Todd Bjerke, we developed a program that assists and addresses the special needs of our veterans who find themselves on the wrong side of the law. This program includes a mentoring component and is designed to ensure veterans have access to information on benefits and services that are available to them in addressing their legal outcome.

I, along with Senator Jennifer Shilling, have introduced this bill at the request of the La Crosse Veterans Court program. Currently only four counties, including La Crosse County, have this specialty court in Wisconsin. **The intent of AB 505 is to ensure that the counties that do not have an established veteran court program are able to assign cases to counties that do operate a Veterans Court, if it is agreed to be in the best interest of the counties, the judicial system, and the defendant.** This bill would not dictate how a Veterans Court should function, but codify requirements for transferring defendants to a Veterans Court program and ensure that counties are reimbursed for the costs associated with accepting new defendants.

Senator Shilling and I understand that some changes to this bill may be needed to provide additional clarity. We have taken account of some of the questions addressed at the Senate hearing last week and have been working with various groups and individuals on possible amendments. Some of the areas in this bill that may need additional clarification include the definition of a veterans court, ensuring that this bill addresses terminology of change of assignment rather than a transfer of venue, and reaffirming that veterans court judges do in fact have the final say on whether to accept or deny new veterans court assignments.

I would hope that more counties would see the benefit and establish Veterans Court programs, however, regionalizing Veterans Courts would lead to efficiencies and cost effectiveness. With limited budgets I believe this legislation would help a population of veterans who often find themselves in trouble with the law after serving our country.



WISCONSIN STATE ASSEMBLY

95TH ASSEMBLY DISTRICT

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Thank you again for the opportunity to discuss the issue of veteran courts. I believe that by encouraging a more collaborative effort between our counties, that we can help to save local taxpayer money and improve outcomes.

I am pleased to be joined by Thom Downer who is the Executive Director of the La Crosse Area Veterans Mentor Program and Scott Butler who is a Judicial Law Clerk with the La Crosse County Court who can help to elaborate on the La Crosse program and the importance of this legislation. Thank you again for this opportunity and for your consideration.



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La Crosse Area Veterans Mentor Program (LAVMP)

La Crosse County Law Enforcement Center

Justice Sanction – Room 723

333 Vine Street

La Crosse, WI 54601

Good Morning.

My name is Thom Downer. I am the Executive Director of the La Crosse Area Veterans Mentor Program and La Crosse Area Veterans Court Coordinator.

I first want to thank the Assembly Committee on Veterans and Military Affairs to allow us the opportunity to take part in the hearing for the proposed bill of Veteran's Court. As I told the Senate Committee last week I want to tell the Assembly Committee thank you for all the work being done by the State of Wisconsin in recognizing and focusing on the needs of it fellow veterans.

La Crosse County began looking at the needs for a Veteran's Court over three years ago. Over that period of time with a lot of thought, work and efforts took place for the initial Veterans Court in La Crosse County to begin in January 2011.

The main focus of the Veterans Court, while promoting public safety, is to assist and support veterans or service members and their families integrating back into community living and reduce their risk to reoffend. It works to reinvigorate the core values of the military into the veteran participant's daily routine. Its focus is to reduce the veteran participant's criminal recidivism and other court contacts and integrate that veteran back into the community. This is to be done by getting the veteran into the appropriate treatments aimed at addressing those service-connected behavioral health issues that caused them to be in the legal system.

Now looking at the idea on "paper" it looks like a relatively easy program to put in place. But as you all now we are treading in new water. One approach taken in La Crosse County looked at the potential needs in veterans in the La Crosse County Area. After thought and review the focus became servicing four counties in Western Wisconsin and one in eastern Minnesota. Within a limited area around La Crosse the veteran population went from 10,000 in La Crosse County to over 26,000 in the five county areas. And there were needs.

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www.LAVMP.org

But the question then came up, do all those veterans need to be in a Veteran's Court. After further thought and review it was felt there was a better approach to take. Two years ago the La Crosse Area Veterans Mentor Program was started. The La Crosse Area Veterans Mentor Program is a stand-alone, Wisconsin nonprofit charity organization. It's designed to assist veterans in providing mentorship and support to fellow veterans with legal, mental health or emotional problems. It is there to assist and encourage those veterans participation in Veteran Affairs programs, community-based treatment and intervention programs and navigating the court system if necessary.

Over the past year some 30 veterans have been serviced inside and outside the La Crosse Area Veterans Court. In fact we have had 4 more veterans referred to our program for consideration since my testimony before the Senate Committee. Of the 30-number of veterans receiving help this year a total of four are currently in the Veterans Court Program with an additional five more being considered. ~~Prospective veteran participant eligibility criteria must meet the following:~~

1. A Veteran or member of the U.S. military
2. Affected by a service-related behavioral health issues
3. A resident of La Crosse County or pre-approved for admission to the La Crosse Area Veterans Court Program prior to sentencing or disposition in a referring county
4. Able to appear at all required sessions of the La Crosse Area Veterans Mentor Program
5. Determined through a risk assessment, to pose no risk of danger to others due to uncontrollable behavioral problems but show a high risk assessment.
6. Review and approve by the La Crosse Area Veterans Court Team to determine appropriateness for participation in the La Crosse Area Veterans Court Program
7. Be willing to pay La Crosse Area Veterans Court Program participation fees based upon assess ability to pay and use of program resources.

Again if a veteran does not qualify for the Veterans Court they have been assisted by the La Crosse Area Veterans Mentor Program. The goals of the La Crosse Area Veterans Mentor Program are to:

1. Help fellow veterans receive necessary services to enable them to reach their full potential as productive members of the community.

2. Help fellow veterans navigate the court system, treatment system, and VA system.
3. Assess fellow veteran's needs and help them adjust back to civilian life.
4. Assist the La Crosse Area Veterans Court as needed.

Again, this is what we are attempting to do in Western Wisconsin. We do not claim to have all the answers. Contrary, we are in a learning curve. We have set up our own website and had other counties call us about what we do. We tell our community counties about the website and tell them the Policy/Procedures Manuals are attached and they can take and use them anyway they want. We all want to just help our fellow veterans.

With your help, both Legislative and Judicial, we can continue to grow and succeed. We greatly appreciate your concerns for our fellow Wisconsin veterans and all the work you are putting into the Wisconsin Veterans Court issue.

Committee on Veterans and Military Affairs Speech

Good Morning. My name is Scott Butler and I am the Judicial Law Clerk and ~~Small Claims mediator~~ for La Crosse County Circuit Court. I am also involved in the ongoing development of the LA Crosse Area Veterans Court and La Crosse Area Mentor Program. Before I begin, I want to thank the Committee on Veterans and Military Affairs for allowing me to speak on Assembly Bill 505: ~~Relating To: Participating in a Veterans Court Program~~. I will be taking a about treatment courts generally and the specifics of the La Crosse Area Veteran Court.

The La Crosse Area Veteran Court, and indeed all Veterans Courts nation wide, are a specific subset of treatment courts. However, to understand how Veterans Courts' work, and how they are different from Adult Drug Courts, the most numerous type of treatment court, or our Court, an understanding of how treatment courts work is required. This is just an overview and if you wish to learn more about treatment courts I invite you to go to www.nadcp.org for more information. If this is a review for anyone on the committee, I apologize. I will try to be brief.

Treatment Courts throughout the nation utilize the ten key components. The ten key components are as follows:

Key Component #1

Drug courts integrate alcohol and other drug treatment services with justice system case processing

Key Component #2

Committee on Veterans and Military Affairs Speech

Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights

Key Component #3

Eligible participants are identified early and promptly placed in the drug court program

Key Component #4

Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services

Key Component #5

Abstinence is monitored by frequent alcohol and other drug testing

Key Component #6

A coordinated strategy governs drug court responses to participants' compliance

Key Component #7

Ongoing judicial interaction with each drug court participant is essential

Key Component #8

Monitoring and evaluation measure the achievement of program goals and gauge effectiveness

Key Component #9

Committee on Veterans and Military Affairs Speech

Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations

Key Component #10

Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness

This is not to say that all treatment courts are identical. An OWI Court operates differently from an Adult Drug Court, which operates differently from Veteran Courts. Indeed different treatment courts have different policies procedures, and admission criteria. In fact the La Crosse Area Veterans Court has a different admission criterion than the Rock County Veterans Court. However, despite these differences, all treatment courts follow the ten key components.

The La Crosse Area Veterans Court works as follows: When an individual who has gotten in trouble with the law is identified as a Veteran, his or her contact information is forwarded to a veteran service officer and a veteran mentor. This early intervention with a veteran mentor assures that potential participants in the drug court are identified as early as possible and often before their first initial appearance. The veteran mentor is a volunteer from the La Crosse Area Veterans Mentor Program, a 501(c) (3) organization, and, as already mentioned, Mr. Downer is the Executive Director of that organization. The veteran service officer and the veteran mentor will work to determine what benefits that veteran is eligible for and ensure that he or she properly utilizes those benefits. Additionally, the veteran will meet with a Veteran Court screener who will perform a risk

Committee on Veterans and Military Affairs Speech

assessment to determine if the veteran meets the eligibility for the La Crosse Area Veterans Court.

Currently the eligibility criteria are as follows:

1. A Veteran or member of the U.S. military
2. Affected by a service-related behavioral health issue that underlies the current charges.
3. A resident of La Crosse County or pre-approved for admission to the La Crosse Area Veterans Court Program prior to sentencing or disposition in a referring county
4. Able to appear at all required sessions of the La Crosse Area Veterans Mentor Program
5. Determined through a risk assessment, to pose no risk of danger to others due to uncontrollable behavioral problems but show a high risk assessment.
6. Review and approval by the La Crosse Area Veterans Court Team to determine appropriateness for participation in the La Crosse Area Veterans Court Program
7. Be willing to pay La Crosse Area Veterans Court Program participation fees based upon assess ability to pay and use of program resources.

If the Veteran is eligible for the La Crosse Area Veterans Court, and the veteran, judge, defense attorney, and district attorney agree that participation in the Veterans Court is appropriate then the Veteran may be assigned to the Veterans Court.

Committee on Veterans and Military Affairs Speech

Once in the La Crosse Area Veterans Court the Judge and the Veterans Court team will monitor the Veteran's progress through the Court program, which is designed around the ten key components. If the Veteran completes the program, something which takes a minimum of one year, they may receive a more favorable disposition. For example often a sentencing judge will withhold a sentence while the Veteran is in the Veterans Court and completion of the Veterans Court will constitute the veteran's sentence. Other times participation in the Veterans Court will be a condition of the Veteran's Probation, or a diversion from a prison sentence.

Again this is just a brief overview of how treatment courts work generally and how the La Crosse Area Veterans Court works. This is not to say that our model is the best or only way a Veteran Court can work. It is my hope that through the continued support of the legislature and the court system that veterans courts continue to operate in and thrive in Wisconsin. Thank you.



Wisconsin Court System

Court Programs for Wisconsin Veterans

The Wisconsin court system recognizes that veterans in the criminal justice system face unique issues. Developing strategies that will be effective with this population requires commitment, understanding, creativity and a willingness to build partnerships. Courts across Wisconsin are piloting programs designed to provide better, more effective solutions for veterans in the criminal justice system. Here is a brief history of the effort, along with a county-by-county list of programs.

Connecting Veterans with Services

The courts have an important role in helping to connect veterans in crisis with information on services to which they are entitled. When a veteran needs housing support, mental health services, treatment for addiction, job training or other help, the court may work with local experts including **County Veterans Services Officers (CVSOs)** and **Tribal Veterans Services Officers**. In January 2009, the Wisconsin Supreme Court's Planning and Policy Advisory Committee (PPAC) began a concerted effort to help connect the state's circuit court judges with these officers to ensure that veterans who find themselves in court are connected with important resources. The Wisconsin Department of Veterans Affairs' directory of CVSOs is available at dva.state.wi.us/cvso_list.pdf. The courts also work with **Veterans Justice Outreach Specialists (VJOs)**. The U.S. Department of Veterans Affairs has asked that each VA medical center designate a VJO to help veterans with case management and serve as liaisons with local justice system partners. In Wisconsin, Veterans Justice Outreach Specialists are available at the VA medical centers in Madison, Milwaukee and Tomah, as well as in bordering states. Current VJOs are: Edward.Zapala@va.gov (Madison), Abigail.Ziebell@va.gov (Milwaukee), Garrett.Hebel@va.gov (Tomah), Faith.Weiss@va.gov (Minneapolis), Michael.Matwyuk@va.gov (Iron Mountain, Mich.) More information is available at www1.va.gov/HOMELESS/VJO_Contacts.asp.

History of the Wisconsin Veterans Court Initiative

The development of court programs for Wisconsin veterans began when the Office of the State Public Defender and the Wisconsin Department of Veterans Affairs received a federal grant in 2008 to bring Judge Robert Russell - who started the nation's first veterans treatment court in Buffalo, N.Y. - to Wisconsin to tell

his story. A short time later, a delegation from Wisconsin visited Judge Russell's court in New York.



Among the participants in the Leave No One Behind conference were judges, veterans service providers, prosecutors, state public defenders and others from across the state.

Soon after that visit, a conference entitled *Leave No One Behind: Veterans in the Criminal Justice System* was held in June 2009. The Wisconsin court system joined the State Public Defender, Department of Corrections, Department of Justice, Veterans Administration and the Department of Veterans Affairs in co-sponsoring the conference, which brought together judges, prosecutors, public defenders, treatment providers and County Veterans Services Officers from across Wisconsin. Participants developed plans for building specialty court programs in the state. More than 100 people at sites in Madison, Milwaukee and Tomah participated.

Since then, eight court-connected programs covering 15 counties have been developed.

County by County: Court Programs for Wisconsin Veterans

Brown County: See Northeast Wisconsin Veterans Treatment Court

Chippewa County: See Chippewa Valley Veterans Treatment Court



Chief Judge Benjamin D. Proctor (now retired) explains the goals of the Chippewa Valley Veterans Treatment Court at a January 2011 ceremony to open the new court program.

Chippewa Valley Veterans Treatment Court

In January 2011, the Chippewa Valley Veterans Treatment Court opened in Eau Claire. The court will serve Chippewa, Dunn and Eau Claire counties, and will focus on addressing alcohol, drug and mental health issues associated with criminal behavior within the military veteran population. Chief Judge Benjamin D. Proctor - who was honored as the State Bar Judge of the Year in 2009, in part for his work with veterans - was the first presiding judge in this court. Judge William M. Gabler currently presides.

Door County: See Northeast Wisconsin Veterans Treatment Court

Dunn County: See Chippewa Valley Veterans Treatment Court

Eau Claire County: See Chippewa Valley Veterans Treatment Court

Iron County Veterans Court

In April 2010, Wisconsin opened its second veterans treatment court program. The Iron County Veterans Court operates under the direction of Judge Patrick J. Madden, who has served on the bench for over 25 years. The primary focus is on drug or alcohol related crimes or other misdemeanors. Iron County feels that these types of crimes may be alleviated by addressing the underlying issues unique to veterans. Each veteran in the program is assigned a mentor; the mentor program is managed by County Veterans Services Officer Erick Nasi. Contact: Erick Nasi, Veterans Services Officer, (715) 561-2190, vetservices@ironcountywi.org.



Judge Patrick J. Madden

Kewaunee County: See Northeast Wisconsin Veterans Treatment Court



Judge Todd W. Bjerke swears in mentors at the activation ceremony for the new La Crosse County Veterans Court in November 2010.

La Crosse County Veterans Court Initiative

On Veterans Day 2010, after more than a year of preparation and planning, the La Crosse County Veterans Court Initiative opened its doors. It was the third program of its kind in Wisconsin. The program focuses on early identification of veterans in the criminal justice system to facilitate connection with available services as quickly as possible. The program also makes use of trained mentors. Presiding is Judge Todd W. Bjerke, a colonel in the U.S. Army Reserve who was first elected to the bench in La Crosse in 2007. Contact: Thom Downer, (608) 790-7368, tdowner@lavmp.org.

Marinette County: See **Northeast Wisconsin Veterans Treatment Court**

Milwaukee Veterans Program

In Milwaukee County, the Wisconsin State Public Defender's Office, the Milwaukee County District Attorney's Office and the Veterans Administration have developed a multi-faceted program to serve veterans involved in the criminal justice system.

Veterans are identified during the jail booking process and connected with the State Public Defender and the VA. Both organizations screen these veterans to determine eligibility for services. Beginning soon, veterans will also be screened for eligibility for diversion and deferred prosecution programs, which offer an opportunity to have a charge dismissed if the offender abides by a certain set of conditions. The Veterans Justice Outreach Worker (VJO) monitors each offender's progress. Contact: VJO Abigail Crevier-Ziebell, (414) 414-384-2000 ext. 44497, Abigail.Crevier@va.gov.

The Milwaukee program also matches veterans with mentors through a non-profit veterans services group called Dryhootch. Mentors (who are also veterans) meet with the veteran between court appearances and report to the court on the veteran's progress. Dryhootch also offers a Family Legal Clinic where veterans and their families can receive free legal advice on non-criminal matters such as divorce, child support, visitation and more. The clinic runs in the evening on the first and second Thursday of each month. For more information, visit www.dryhootch.org/page/family-legal-clinic or call (414) 763-2785.

Northeast Wisconsin Veterans Treatment Court

The Northeast Wisconsin Veterans Treatment Court is a collaborative problem-solving court that is on track to open in January 2012. The program will pair a circuit court judge, representatives of the Veterans Health Administration and Veterans Benefit Administration, the District Attorney's Office, the Public Defender's Office, veterans service organizations, the U.S. and Wisconsin Departments of Veterans Affairs and many other community partners. It will assist veterans who accept responsibility for qualifying felony or misdemeanor offenses committed within a group of counties in northeast Wisconsin (the Eighth Judicial District). The program also offers assistance with treatment, rehabilitation, employment and housing. The court serves Brown, Door, Kewaunee, Marinette, Oconto, Outagamie and Waupaca counties (Waupaca County also has a stand-alone veterans court program). Contacts: Veterans Services Officer Jerry Polus, (920) 448-4451, Polus_je@co.brown.wi.us; Tom Hinz, mentor and resource coordinator, (920) 606-2012.

Oconto County: See **Northeast Wisconsin Veterans Treatment Court**

Outagamie County: See **Northeast Wisconsin Veterans Treatment Court**

Pierce County Veterans Court

The Pierce County Veterans Court is a post-plea program dealing with both felonies and misdemeanors. To qualify for the program, the veteran must be in need of services offered through the local (Twin Cities) VA (for example, services related to drug and alcohol addiction, mental health, anger management). Each applicant is screened by the Vets Court team, which consists of the judge (a U.S. Air Force veteran), an assistant district attorney, a public defender, a probation agent, a law enforcement representative, the court coordinator and a representative of the VA. Once accepted, the veteran goes through a four-phase program with weekly court appearances in Phase 1. The court requires random drug testing and -- if the veteran is able -- work and/or community service. The program also provides participants with mentors. Contacts: Veterans Services Officer Dave Till, (715) 273-6463, david.till@co.pierce.wi.us; Volunteer Coordinator Donna Swanson (715) 273-3226, jtrok@att.net; and Judge Joseph Boles, (715) 273-6460.



Judge Joseph D. Boles



Rock County Circuit Court Judge James P. Daley congratulates Casey Johnson of Beloit, Wisconsin's first Veterans Treatment Court graduate.

Photo courtesy of the Janesville Gazette

Rock County Veterans Treatment Court Program

In September 2009, Wisconsin opened its first veterans treatment court program. The program operates in Rock County under the direction of Judge James P. Daley, a brigadier general in the Wisconsin Army National Guard and decorated Marine veteran of the Vietnam War who has served on the Rock County Circuit Court for 21 years. The court serves veterans who are charged with crimes and who have mental health issues. Each participant is matched with a mentor of similar military background. Prior to participating, each mentor completes a training program. The court has now expanded to accept cases diverted from nearby counties.

Daley and two members of the veterans court team recently explained during a WisconsinEye interview how the Rock County veterans court operates and why it is significant for veterans and the court system. The interview can be found at: www.wiseye.org/Programming/VideoArchive/EventDetail.aspx?evhddid=5520

Waupaca County: Legal Assistance Program for Veterans

In Waupaca County, defense attorneys, prosecutors and judges working with treatment providers at the Wisconsin Veterans Home at King have established a legal assistance program for veterans. The program works with law enforcement to emphasize early identification of veterans. Those identified are referred to the Veterans Assistance Program for assessment. In appropriate cases, deferred prosecution agreements are sought to give the veteran a chance to obtain needed services. Legal assistance is provided pro bono through local attorneys. Contacts: Atty. Tom Maroney, (715) 258-5990, thomasmaroney@att.net; Steve House, Veterans Assistance Program, (715) 256-1118, steve.house@cvivet.org.

Statewide programs for veterans in court

Wisconsin Veterans Intervention Program

The Wisconsin Veterans Intervention Program (WI-VIP) is an initiative of the State Public Defender's Office. The program encourages creation of veterans court programs in Wisconsin and supports them once they are established. WI-VIP also works with the Department of Corrections to identify veterans currently in an institution or on probation/parole in order to ensure that each veteran is connected with available services. Contact: Peter Anderson, liaison for WI-VIP in the Wisconsin's State Public Defender's Office, (608) 267-0581.

Legal Services for Veterans

There are programs to help Wisconsin veterans and active-duty servicemembers who need legal advice. The Marquette University Law School Program, SAVLAW (Servicemembers and Veterans Legal Assistance for Wisconsin) features a website on which servicemembers can post requests and lawyers can volunteer. See www.savlaw.org.

A program called Dryhootch offers a Family Legal Clinic where veterans and their families can receive free legal advice on non-criminal matters such as divorce, child support, visitation and more. The clinic runs in the evening on the first and second Thursday of each month. For more information, visit www.dryhootch.org/page/family-legal-clinic or call (414) 763-2785.

The American Bar Association Military Pro Bono Project connects active-duty military personnel to free legal assistance with civil (non-criminal) legal problems. Referrals are made only by military legal assistance (JAG) attorneys. See www.militaryprobono.org.

This overview will continually grow and change. We encourage those who have additions and updates to contact us at (608) 266-1298.